RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE
Serial Number:10/621,227
Filing Date: July 15, 2003
Title: NETWORK SYSTEMS AND METHODS TO PUSH VIDEO

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REMARKS

This communication responds to the Final Office Action dated February 12, 2009.

No claims are amended, canceled, or added by this Response. Claims 1-2 and 5-31 are pending in this application.

§ *103 Rejection of the Claims*

1.   Claims 1-2, 5-6, 8-19, 23-26, and 28-31 were rejected under 35 U.S.C. § 103(a) as being obvious over Belknap et al. (U.S. Patent No. 6,763,377; hereinafter "Belknap"), in view of Zhu et al. (U.S. Patent No. 6,763,501; hereinafter "Zhu") and the SMIL specification (SMIL 2.0 W3C Recommendation). Applicant respectfully traverses the rejection and respectfully submits that a proper *prima facie* case of obviousness has not been established because the proposed combination of Belknap, Zhu, and the SMIL specification together with the reasoning of the Office Action does not teach or suggest each and every element recited in the claims.

For example, Applicant cannot find in the proposed combination of Belknap, Zhu, and the SMIL specification, any teaching or suggestion of,

> a web client ... to configure at least one playlist in the video file server, each playlist including at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist,

as recited or incorporated into these claims.

The Office Action concedes that Belknap in view of Zhu does not expressly teach that the track includes at least one logical action related to playing a playlist, but that such a playlist format is found in the SMIL specification.[1] However, the SMIL specification relates to an XML-based language that allows authors to write interactive multimedia presentations.[2] The result is apparently an ordering of video content for interactive control of a presentation of animation or discrete media, rather than a playlist for a remote device. Thus, Belknap, Zhu, and the SMIL specification together with the reasoning of the Office Action does not teach or suggest each and every element recited in the claims.

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[1] Office Action, pg. 6.
[2] SMIL specification, Abstract.

Additionally, one of ordinary skill would not reasonably be led to combine the SMIL specification with Belknap. Belknap refers to an administrator terminal that receives user input that includes operation information via a GUI and generates commands based on the operation information.[3] As set forth previously, the SMIL specification relates to an XML-based language that allows authors to write interactive multimedia presentations for direct presentations on a screen rather than a playlist for a remote device. The Office Action asserts that the simple substitution of SMIL replacing the playlist of format disclosed in Belknap would have been obvious, because such a substitution would have produced predictable results in view of SMIL's utility for playing videos according to a playlist, as required by the video server of Belknap in view of Zhu.[4]

However, Applicant respectfully disagrees that replacing the process in the administrator terminal of Belknap with SMIL is merely a simple substitution. Belknap states that

> the administrator terminal also includes a processing unit, and a browser application executed by the processing unit. The process is initiated by performing the steps of: transmitting an applet to the administrator terminal via the network; and executing the applet over the processing unit of the administrator terminal; whereby the graphical user interface is displayed within a browser window generated by the browser application on the display unit. The operations include: delete operations ...; copy operations ...; multicasting operations ...; and encoding operations ...[5]

A simple substitution of SMIL would not facilitate the delete, copy, multicasting, and encoding operations required by the process of managing media data of Belknap. Therefore, Applicant respectfully submits that replacing the centralized user interface of Belknap with the XML-based SMIL is not a simple substitution, and one of ordinary skill would not reasonably be led to combine the SMIL specification with Belknap to form the system and method described and claimed by Applicant.

Further, one of ordinary skill would not reasonably be led to combine Zhu with Belknap to form what is being claimed by Applicant. Belknap refers to a process of managing media data in a network system including an administrator terminal, a media server, and a plurality of end

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[3] Belknap, col. 5, lines 14-30.
[4] Office Action, pg. 6.
[5] Belknap, col. 5, lines 36-54.

user terminals.[6] User input is received at the administrator terminal and the process includes

generating commands and transmitting commands and associated parameters to the selected

media server via the network.[7] In Zhu, the owner of a remote document serving application

selects a remote application to view, and in response, the file editing application is invoked,

generating an application screen.[8] Thus, in Zhu the commands are not transmitted to a server as

in Belknap, and combining Zhu with Belknap would return the commands from a video server to

a location such as the administrator terminal of Belknap or the location of the user in Zhu. At

best, the combination of Belknap and Zhu would teach a different way of implementing the

interface between the administration terminal and the media server, not between the video file

server and the media server as described and claimed by Applicant.

Therefore, one of ordinary skill would not reasonably be led to combine Zhu with

Belknap to form what is being claimed by Applicant.

Therefore, these claims are not obvious in view of the proposed combination of Belknap,

Zhu, and the SMIL specification. Consequently, Applicant respectfully requests withdrawal of

the rejection and allowance of claims 1-2, 5-6, 8-19, 23-26, and 28-31.

2.   Claims 7, 20-22, and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over

Belknap, in view of Zhu, the SMIL specification (SMIL 2.0 W3C Recommendation), and Duso

(U.S. Patent No. 5,892,915). Applicant respectfully traverses the rejection because the cited ,

portions of Belknap, Zhu, the SMIL specification, and Duso, either individually or in

combination with each other or with any objective reasoning of the Office Action, do not

disclose, teach, or suggest the present subject matter of these claims.

Claim 7 ultimately depends on claim 6, claims 20-22 ultimately depend on base claim 16,

and claim 27 ultimately depends on base claim 23. As set forth above, Belknap, Zhu, and the

SMIL specification do not teach or suggest all of the elements of the base claims. Duso fails to

teach or suggest the missing elements. For example, Applicant cannot find in the cited portions

of Belknap, Zhu, the SMIL specification, or Duso, among other things,

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[6] Belknap, col. 4 line 60 through col. 5 line 2.
[7] Belknap, col. 5 lines 11-35.
[8] Zhu, col. 7 approx. lines 27-30.

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at least one playlist in the video file server, each playlist including at least one track, wherein the track includes an identifier to select one or more of the number of video files and includes at least one logical action related to playing the playlist,

as similarly incorporated into claims 7, 20-22, and 27.

Additionally, Duso does not apparently teach or suggest where "the logical actions are configured at least in part in real time by a user using the web client," as recited in claim 7. In claim 7, as modified by the elements of base claim 1, the web client is separate and remote from the media server. In contrast, Duso states that a play list of clips are transmitted in sequence to the client which is making the request to change the stream.[9] Thus, in Duso the receiver of the video content is changing the stream, instead of a web client changing video content streamed to a media server that is separate from the web client. Therefore, the proposed combination of Belknap, Zhu, the SMIL specification, and Duso does not teach or suggest all of the elements recited in and incorporated into claim 7.

Also, for the reasons set forth above, one of ordinary skill would not reasonably be led to combine Belknap, Zhu, and the SMIL specification to form what is being claimed by the Applicant. Further, one of ordinary skill in the art would not reasonably be led to combine Duso with the SMIL specification. As mentioned previously, the SMIL specification relates to an XML-based language that allows authors to write interactive multimedia presentations. Duso relates to protocol and interface that allows a playlist to be edited dynamically after being given to a video server.[10] In Duso, the playlist is a doubly-linked list, and the video file server responds to a client request by linking or unlinking corresponding clip identifiers to or from the client's playlist.[11] Duso does not teach or suggest how the video file server would manipulate the XML-based language of SMIL to change video content for display. Therefore, one of ordinary skill in the art would not reasonably be led to combine the SMIL specification with Duso.

In sum, a proper *prima* facie case of obviousness has not been established because the proposed combination of Belknap, Zhu, the SMIL specification, and Duso fails to teach or

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[9] Duso, col. 33, lines 11-14.
[10] Duso, Abstract.
[11] Duso, col. 33, lines 14-22.

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suggest all of the elements recited in or incorporated into the claims, and because one of ordinary skill in the art would not reasonably be led to combine Belknap, Zhu, the SMIL specification, and Duso to form what is being claimed by Applicant. Consequently, Applicant respectfully requests reconsideration and allowance of claims 7, 20-22, and 27.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April _9th_, 2009.

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Name

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Signature